GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.

Labour Dispute:—Industrial Dispute between the Workmen and the Management of M/s Mysore Vegetable Oil Products Ltd., Bangalore-20.

Award of the Additional Industrial Tribunal, Bangalore-Published.

Read the following papers :—

(1) Letter No. 104/71-72, dated 13/14th May 1971 from Shri S. T Kulkarni, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated 13th May 1971

Present :

Shri S. T. Kulkarni B.A.,(Hons.)L.L.B.,
Presiding Officer.

A. I. D. No. 4 of 1968.

Workmen of M/s. Mysore Vegetable Oil Products Ltd., Bangalore-20.

Represented by the Secretary, Bangalore Oil Soap and Chemical Allied Workers, Union, No. 142, Cottonpet, Bangalore-2

First Party

Vs.

The Management of the Mysore Vegetable Oil Products Ltd., Bangalore-20.

Second Party

Appearances

For the I Party

Sri D. Venkatesh, Secretary,

For the II Party

Sri B R. Puttananjappa, Honorary Secretary,
Mysore State Employers' Association, Bangalore.

AWARD

The Government of Mysore being of opinion that an industrial dispute existed between the workmen and the Management of M/s. Mysore Vegetable Products Ltd,, Bangalore-20, have by their No. FCL 834 LLD 67, dated 8th February 1968 referred the following points of dispute for adjudication to this Tribunal under Section 10 (1) (d) of the Industrial Disputes Act, 1947:—

"I. Whether the following retrenched workmen are entitled to re-employment in lieu of the new employees with effect from the date of reopening of the Tin Section, with continuity of service, arrears of back wages and other benefits ?

1. Venkateswara Rao (Foreman)
2. Thomas (Ch. No. 98),
3. Raghavan (Ch. No. 35),
4. Gopala Rao (Ch. No. 38),
5. Siddoji Rao (Ch. No. 68).
6. Rangappa (Ch. No. 31),
7. Kuppuswamy (Ch. No. 71.),
8. Siddanna (Ch. No. 51),
9. Govindaraj (Ch. No. 75),
10. Subbanna (Ch. No. 79),
11. Subramani (Ch. No. 24).

II. Whether the employer is entitled to hire the Tin Plant so as to avoid the liability of re-employment as required under law ?

III. Or in the alternative, what is the relief ?"

2. After the receipt of this Reference it was numbered as A.I.D. 4 of 1968 on the file of this Tribunal and notices were issued to both the parties, and the I Party put in its Claim statement on 29th February 1968 and the II party put in its Counter Statement on 30th March 1968 and thereafter the I Party filed its Reply on 17th April 1968, and the issues were settled on 24th April 1968 and 30th December 1968 and they are as follows :

"In addition to the points of dispute scheduled in the order of Reference, the following Issues arising out of pleadings are framed :—

I. Whether the Tin Can Plant is now being run by the Lessee, M/s. Krishna Flour Mills, Ltd., Bangalore and the II Party Management has nothing to do with running that plant ?

II. Whether Section 25-H of the Industrial Disputes Act casting obligation on the employer to offer re-employment to retrenched workmen is not applicable to the facts of this case ?

III. Whether the Tin Can Plant was closed in 1963 terminating the services of all the workmen employed therein and the provisions of Section 25-H are not applicable ?

IV. Whether the obligations of Section 25-H can be imposed upon the previous employer ?

V. Whether retrenched employees are entitled to re employment under new employer ?

VI To what relief are the employees referred to are entitled ?

ADDITIONAL ISSUE

VII Whether the contentions of II Party-A-are legal and valid ?"

3. After the issues were framed the case was adjourned for evidence from time to time at the request of one or the other party. Ultimately on 10th May 1971 both the parties filed a Mem-of settlement and requested that an award may be passed in terms thereof. The terms set out in the said memo appear to be quite reasonable and in the interest of both the parties. So, I see no objection to pass an award in terms thereof and hence the following award is passed :—

AWARD

In view of the settlement filed by both the parties an award is passed in terms thereof and the settlement shall be annexed to the award and shall be treated as a part thereof.

No order as to costs.

S. T. KULKARNI,

Presiding Officer,
Additional Industrial Tribunal,
Bangalore. 13-5-71.